

STATEMENT OF PURPOSE

RS23528C2

This bill is one of a group of bills to reclassify low level misdemeanors to infractions. The subject matter is minors in possession of, distribution of, or using false identification to obtain tobacco. The purpose behind the reclassification is to better align punishment with crimes committed and save costs related to public defense, while maintaining penalties adequate for deterrence and enforcement. This effort builds on HB 434 (2014) which updated infraction penalties to increase the viability of migrating low level misdemeanors to infraction penalties. The changes in this bill originated with recommendations from the Misdemeanor Reclassification Subcommittee of the Criminal Justice Commission to move minor in possession offenses to infractions, which were then reviewed and approved in concept by the Public Defense Reform Interim Committee. The bill sets a \$17.50 infraction fine for underage possession, use and consumption, a first offense infraction of \$200 for sale or distribution, false identification to obtain, and for subsequent offenses for sale, distribution, or false identification to obtain, a misdemeanor is maintained with a fine up to \$300, but reduces potential jail time from 6 months to 30 days.

FISCAL NOTE

The fiscal impact to revenue derived from fines and fees statewide is estimated to be a net decrease of \$128,279 per fiscal year, based on the average number of relevant citations issued over the last three fiscal years. Any reduction in revenue is expected to be offset or exceeded by corresponding reduction in the associated cost of public defense, prosecution, and/or adjudication, although those savings cannot be calculated at this time. These potential savings would be realized primarily by the counties. By fund, the reduction in revenue derived from fines and fees each fiscal year is estimated to be as follows: a decrease of \$6,052 to the state General Fund; an increase of \$594 to the state Peace Officers Standards and Training Fund; a decrease of \$68,529 to county District Court Funds; a decrease of \$17,353 to the state Drug Court, Mental Health Court and Family Court Services Fund; a decrease of \$2,317 to county Justice Funds and/or Current Expense Funds; a decrease of \$21,039 to the state Crime Victims Compensation Fund; a decrease of \$1,706 to the state Peace Officer and Detention Officer Temporary Disability Fund; a decrease of \$3,285 to the state Court Technology Fund; and a decrease of \$8,529 to the state Victim Notification Fund. These are estimates but could vary based upon several factors including conviction rates; fine imposition rates; waiver rates; collection rates; whether city or county magistrate facilities are used.

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